

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

558

55-9

560

V.

Criminal No. 12-10226-DJC

JOHN KOSTA

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**DISMISSAL OF COUNTS FIVE AND SIX
OF THE SUPERSEDING INDICTMENT**

Pursuant to Fed. R. Crim. P. 48(a), the United States Attorney for the District of Massachusetts, Carmen M. Ortiz, hereby dismisses Count Five of the Superseding Indictment, charging John Kosta with using a firearm during the commission of a drug offense, in violation of 18 U.S.C. §924(c), and Count Six of the Superseding Indictment, charging John Kosta with being a felon in possession of a firearm, in violation of 18 U.S.C. §922(g)(1). In support of this dismissal, the government states that, pursuant to a plea agreement, John Kosta has pleaded guilty to Counts One through Four of the Superseding Indictment, and the dismissal is in the interests of justice.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

Date / /

Date / /

By:

JAMES D. HERBERT

Deputy Chief, Criminal Division

201002

Leah B. Foley

Assistant U.S. Attorney

Leave to File Granted:

Denise J. Casper, Judge
United States District Court